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PTO/SB/21 (08-00)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/905,704	
	<b>Filing Date</b>	February 27, 2001	
	<b>First Named Inventor</b>	G. Scott HERRON	
	<b>Group Art Unit</b>	1645	
	<b>Examiner Name</b>	To Be Assigned	
<b>Total Number Of Pages In This Submission</b>	9 + 3 References	<b>Attorney Docket No.</b>	464362000300

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Form PTO-1449 w/copy - 2 pages
<input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages	<input type="checkbox"/> Request for Refund	2. Copy of International Search Report - 3 pages
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	3. Three (3) Cited References
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		4. Return Receipt Postcard
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018
Signature	Lisa A. Amii, Reg. No. 48,199
Date	January 8, 2003

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 8, 2003.

Kerry Keehan

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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PATENT  
Docket No. 464362000300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on January 8, 2003.

  
Kerry Keehan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

G. Scott HERRON

Serial No.: 09/905,704

Filing Date: February 27, 2001

For: IN VIVO ASSAY FOR ANTI  
ANGIOGENIC COMPOUNDS

Examiner: To Be Assigned

Group Art Unit: 1645

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Search Report (copy attached) mailed on August 6, 2002 directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

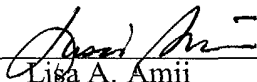
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 464362000300. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 8, 2003

Respectfully submitted,

By:   
\_\_\_\_\_  
Lisa A. Amii  
Registration No. 48,199

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5674  
Facsimile: (650) 494-0792

Form PTO-1449  <div style="display: flex; align-items: center; justify-content: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 10px; text-align: center; margin-right: 10px;">           0195 JAN 13 2003 PATENT &amp; TRADEMARK OFFICE         </div> <div style="text-align: center;">           INFORMATION DISCLOSURE CITATION IN AN APPLICATION  <div style="border: 1px solid black; padding: 2px; font-weight: bold; font-size: 1.2em;">RECEIVED</div> <div style="border: 1px solid black; padding: 2px; font-weight: bold; font-size: 1.2em;">JAN 14 2003</div> </div> </div>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Docket Number 464362000300</td> <td style="width:67%;">Application Number 09/905,704</td> </tr> <tr> <td colspan="2">Applicant <div style="text-align: center;">G. Scott HERRON</div></td> </tr> <tr> <td>Filing Date February 27, 2001</td> <td>Group Art Unit 1645</td> </tr> <tr> <td colspan="2">Mailing Date January <u>8</u>, 2003</td> </tr> </table>	Docket Number 464362000300	Application Number 09/905,704	Applicant <div style="text-align: center;">G. Scott HERRON</div>		Filing Date February 27, 2001	Group Art Unit 1645	Mailing Date January <u>8</u> , 2003	
Docket Number 464362000300	Application Number 09/905,704								
Applicant <div style="text-align: center;">G. Scott HERRON</div>									
Filing Date February 27, 2001	Group Art Unit 1645								
Mailing Date January <u>8</u> , 2003									

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U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	12/26/2000	6,166,178	Cech et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	2.	09/28/2000	WO 00/56898	WIPO			

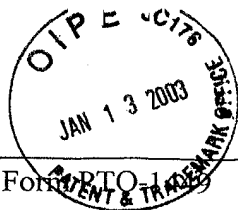
OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	3.	Yang, T. (2001). "Telomerized Human Microvasculature Is Functional In Vivo," <i>Nature Biotechnology</i> 19:219-224

EXAMINER:	DATE CONSIDERED:
-----------	------------------

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1  
PATENT & TRADEMARK OFFICEINFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

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Docket Number 464362000300

Application Number 09/905,704

Applicant

G. Scott HERRON

Filing Date February 27, 2001

Group Art Unit 1645

Mailing Date January 8, 2003

JAN 14 2003

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U.S. PATENT DOCUMENTS

**COPY**

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	12/26/2000	6,166,178	Cech et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	2.	09/28/2000	WO 00/56898	WIPO			

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

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EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 464362000340	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US02/06068	International filing date ( <i>day/month/year</i> ) 26 February 2002 (26.02.2002)	(Earliest) Priority Date ( <i>day/month/year</i> )
Applicant HERRON, G. SCOTT		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐

contained in the international application in written form.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority in written form.

☐

furnished subsequently to this Authority in computer readable form.

☐

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (See Box II).

4. With regard to the **title**,

☒

the text is approved as submitted by the applicant.

☐

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒

the text is approved as submitted by the applicant.

☐

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. \_\_\_\_\_

☐

as suggested by the applicant.

☐

because the applicant failed to suggest a figure.

☐

because this figure better characterizes the invention.



None of the figures

# PATENT COOPERATION TREATY

# COPY

From the INTERNATIONAL SEARCHING AUTHORITY

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

<b>To:</b> LISA A. AMII MORRISON & FOERSTER LLP 755 PAGE MILL ROAD PALO ALTO, CA 94304-1018	<b>Date of Mailing</b> (day/month/year) <b>06 AUG 2002</b>
<b>Applicant's or agent's file reference</b> 464362000340	<b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below
<b>International application No.</b> PCT/US02/06068	<b>International filing date</b> (day/month/year) 26 February 2002 (26.02.2002)
<b>Applicant</b> HERRON, G. SCOTT	

1. ☐ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34, chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

<b>Name and mailing address of the ISA/US</b> Commissioner for Patents Box PCT Washington, D.C. 20231 Facsimile No. (703)305-3230	<b>Authorized officer</b> Eleanor Sorbello Telephone No. 703-308-0196
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Form PCT/ISA/220 (April 2002)

(See notes on accompanying sheet)

ROCKETED (A) 5/2/02  
5/10/02-5



## INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/06068

**A. CLASSIFICATION OF SUBJECT MATTER**

IPC(7) : A61K 49/00; A01N 63/00, 43/04

US CL : 424/9.2, 93.21; 514/44

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 424/9.2, 93.21; 514/44

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
USPATFULL, Derwent World Patent Index, Medline, biosis, embase, scisearch, caplus**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00/56898 A1 (THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY) 28 September 2000, see abstract, page 8, lines 16-20; page 19, lines 16-20; page 39, lines 11-30; page 40, lines 9-22; page 41, lines 13-21.	1-30
X	YANG, J., Telomerized human microvasculature is functional in vivo. Nature Biotechnology, March 2001, vol. 19, page 219-224, see abstract, page 219 col. 2, lines 1-6.	1-30
Y	US 6,166,178 A (CECH et al) 26 December 2000 (26.12.2000), see abstract, col. 119.	1-30

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

## \* Special categories of cited documents:

"A"	document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E"	earlier application or patent published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed	"&"	document member of the same patent family

Date of the actual completion of the international search

30 May 2002 (30.05.2002)

Date of mailing of the international search report

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks

Box PCT

Washington, D.C. 20231

Facsimile No. (703)305-3230

Authorized officer

Eleanor Sorbello

Telephone No. 703-308-0196